

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ERIKA BAUMGARTNER, DANIEL
LOPEZ and SHAUN KRAMM, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

YOTTA TECHNOLOGIES INC., EVOLVE
BANK & TRUST,

Defendants.

Case No. 1:24-cv-05535-AKH

**DECLARATION OF HARRY ALAN WORD, JR IN SUPPORT OF DEFENDANT
EVOLVE BANK & TRUST'S MOTION TO DISMISS THE COMPLAINT**

I, Harry Alan Word, Jr, hereby declare as follows:

1. I am the President of Open Banking at Evolve Bank & Trust ("Evolve"). I have worked for Evolve since October 2014, first as Senior Vice President of Technology and System Strategies, then as Chief Technology Officer, before assuming my current role as the President of Open Banking in February 2022.

2. I am over eighteen years of age and am competent to make this declaration. I submit this declaration in support of Evolve's Motion to Dismiss the Complaint. I make this declaration based on my personal knowledge, the books and records of Evolve, information reported to me in the ordinary course of business by individuals with a business duty to accurately report that information, and on information and belief.

3. Evolve provided banking services for customers of the financial technology ("fintech") company, Yotta Technologies Inc. ("Yotta"), through Synapse Financial Technologies ("Synapse"). To sign up for an account with Yotta, each customer must agree to be bound by a

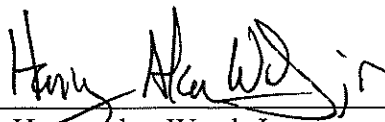
Consumer Interest Checking Account Agreement (“Deposit Agreement”), which is provided to the customer by Synapse on behalf of Evolve. The Deposit Agreement governs the demand deposit account that is ultimately created when a user signs up for a Yotta account.

4. When customers sign up with Yotta, they are presented with the Deposit Agreement and must manifest an agreement to be bound by that Deposit Agreement through Yotta’s website or app before signing up with Yotta.

5. Attached as Exhibit A to this Declaration is a true and correct copy of the most current version of the Consumer Interest Checking Account Agreement (“Deposit Agreement”), to which every Yotta customer agreed when signing up for a Yotta account.

6. The Deposit Agreement can be found by clicking a link titled “Deposit Agreement” at the bottom of every page of Yotta’s banking product website, <https://banking.withyotta.com/>. The direct hyperlink to the Deposit Agreement is as follows: https://cdn.prod.website-files.com/66fc446ec1b718718c239755/66fc446ec1b718718c2399db_Yotta_Account_Agreement.pdf.

I declare that the foregoing is true and correct under the penalty of perjury. Executed October 22, 2024.



Harry Alan Word, Jr